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STATEMENT BY THE GROUP OF LATIN AMERICAN AND CARIBBEAN STATES PRESENTED BY THE PERMANENT REPRESENTATIVE OF CHILE TO THE INTERNATIONAL SEABED AUTHORITY

1. The Council's deliberations at the current session concerning the draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area and the draft Rules of Procedure of the Legal and Technical Commission have prompted the Group of Latin American and Caribbean States to give its views on some issues which are of concern to the Group and about which we feel it necessary to make our position very clear.
2. Before doing so, we would first like to express our appreciation to the President of the Council for the flexibility and impartiality with which he has guided the debates and his determination to adhere to the procedure adopted at the fourth session for reviewing the draft Regulations, a procedure which we would like to see maintained in second reading.
3. In this connection, the Group of Latin American and Caribbean State wishes to reiterate what it said at the fourth session, namely, that the Council's meetings should be conducted informally until the necessary consensus is achieved, before the draft Regulations are considered in formal meeting. We believe this even more firmly after observing, with frustration, that many of the suggestions made by members of our Group and on which a consensus had been reached are not reflected in the revised texts transmitted to us by the Secretariat. While reserving the right to continue to insist on our proposals in second reading, we wish to state that, for the reasons set forth in our statement last year, we will propose and push for a third reading of the draft if the practice of ignoring consensus arrived at in the Council persists.
4. After two weeks of meetings, it is clear to us that we have not resolved one of the main difficulties confronting us, that of striking the necessary balance between confidentiality and the

need for transparency. We reiterate our support for the necessary confidentiality, but believe that it must not be used to undermine the right of States members of the Authority to be informed of matters of particular interest to them and to take part in the deliberations of the bodies that are to consider those matters, nor invoked as a pretext for withholding information which the Authority needs in order to fulfil its mandate.

5. This also affects the powers that we have assigned to some organs of the Authority, for if we apply the principle of confidentiality excessively, rather than only as strictly necessary, we run the risk of delegating to an advisory organ powers that should be exercised by an executive organ, for instance, the Legal and Technical Commission rather than the Council.

6. Another potentially harmful consequence which would erode the institutions that we have adopted is the links that members of the Legal and Technical Commission might have with companies carrying on activities in the Area. We consider it unacceptable that such situations might arise simply because the Regulations and Rules did not include clear provisions in this regard. Ensuring the independence of members of the Commission and the necessary geographical balance in its composition will guarantee that the Commission plays the role assigned to it under the Convention. The Group therefore calls on all members of the Council to make sure that we act in a manner consistent with the spirit of the Convention.

7. In general, we believe that an effort must be made to strengthen the institutions which we have created, since they are the result of consensus arrived at in the past with considerable sacrifice. If we maintain a constructive attitude, we will make this organization viable.

8. Another issue of concern to the Group and one on which there is complete agreement is that of ensuring the preservation and protection of the marine environment. This is one of the greatest sources of concern to our countries. We are particularly anxious about any emergencies that might arise as a result of a serious disaster. We believe that it is not enough to adopt preventive measures, for which very strict procedures have to be established, in order to deal with such emergencies, but that, once harm has occurred, reparation must be made. This means not only containing and repairing the harm but also compensating those affected by it.

9. That is why we are convinced that, should a contractor fail to comply with its obligation under the Regulations to deal with any emergencies that may arise, the Authority must have the necessary means to take the action required of it in such cases. We are therefore in favour of introducing an environmental guarantee that the contractor would have to deposit before beginning exploration work. The Authority would be able to use that guarantee in order to take the necessary action and the contractor would not be able to interfere.

10. We also believe that coastal States might be particularly seriously affected by the potentially harmful effects of activities in the Area. Accordingly, we express our resolute support for the rights and interests which the Convention enshrines for those States.

11. We are also in favour of allowing States which may have suffered such harmful effects to have a reasonable degree of involvement in the implementation of any measures taken by the Authority for the preservation and protection of the marine environment.

12. Lastly, we believe that in order to strengthen the Authority's functions in this area, links should be established with the international organizations which are responsible for taking action in environmental emergencies.

13. The Group wishes to reiterate that the future Regulations and Rules and any other instruments produced by the Authority must be based on the concept that the Area is the common heritage of mankind. That is why the interests of developing countries must be taken into account, including those related to training and technology transfer, so that all States members of the Authority have equitable access to the resources to be found on the seabed.

14. Having made these points which, broadly speaking, reflect our present concerns, I should like, on behalf of the Group, to thank the Secretary-General and the Secretariat for their hard work and to urge that no effort be spared in dealing with the issues before us, in order that the necessary consensus for fulfilling the object and purpose of the Convention and the Agreement can be achieved.